

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS**

MAXX LYMAN, ON BEHALF OF HIMSELF
AND OTHERS SIMILARLY SITUATED

Plaintiff,

vs.

GLOBE LIFE INC.

Defendant.

Case No. 4:23-cv-00911-SDJ

**DECLARATION OF MAXX LYMAN IN OPPOSITION TO
DEFENDANT'S MOTION TO DISMISS**

1. My name is Maxx Lyman. I am over 18 years old. I can testify competently to the undersigned statements.
2. This declaration is based on my personal knowledge.
3. My telephone number 617-XXX-XXXX is on the National Do-Not-Call Registry and has been since 2005.
4. I am the user of 617-XXX-XXXX. I never provided my consent to Defendant to make calls to this number.
5. I received a call on September 5, 2023 from the caller ID 888-303-9533 at 8:14 AM.
6. During that call, I spoke to an individual who stated he was calling from Globe Life and wanted to sell me a Globe Life branded insurance policy.
7. I stated that I was not interested and not to call again.
8. Despite this fact, I received another two calls from the same caller ID 888-303-9533 a short while later.

9. One of those calls left a voicemail, but there was no content on the voicemail, only dead air.

10. As part of my investigative process for the aforementioned calls, my attorney's office called the number back to uncover the identity of the caller and for no other reason.

11. I was further able to confirm the nature of the calls via the RoboKiller website, which confirms that the caller is an insurance caller.

12. The telephone number appears to have been disconnected a short while after Globe Life was put on notice of its illegal conduct. I know the caller was Defendant Globe Life Inc. because that is what was told to me on the calls. No other name or company was mentioned in the calls nor was I transferred. In my experience, when someone calls me stating they are calling from a specific company as opposed to a generic name, that is exactly who they are.

13. It is my understanding that the subscriber of the telephone number at issue, 888-303-9533, can also be identified in discovery, including through a subpoena.

14. To be clear, I do nothing to precipitate the illegal calls which are placed to me. I do not want these communications, but they continue to be placed to me. They are highly annoying and disruptive. They therefore harmed me.

15. I understand that this lawsuit alleges that the Defendant violated the Telephone Consumer Protection Act by placing calls to my telephone number without obtaining proper consent or following legal requirements such as not calling numbers on the National Do-Not-Call Registry.

16. I have never proactively created or found TCPA claims nor entrapped businesses. I do not welcome nor invite these illegal calls and have taken measures for them to stop,

including by placing my number on the Do-Not-Call Registry and holding those who call me accountable for their actions.

17. I was deprived of legitimate use of my telephone, bandwidth, power, and storage space and my privacy was improperly invaded. Additionally, my statutory rights as recognized by the TCPA were violated. Illegal calls are frustrating, obnoxious, and annoying. They are even more so after they continue, despite you wanting them to stop, and being unable to stop them. They are a nuisance and disturbed my solitude and wasted my time.

18. I do not and have never welcomed nor wanted illegal calls and do nothing to receive or deserve them. My injury was done completely at the hands of Defendant, who took it upon itself to send me multiple calls in violation of the TCPA.

19. I brought this case not for personal motives or financial gain, but as a bulwark for the rights of consumers against illegal telephone conduct. I was not paid by anyone to do so.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 18th day of December, 2023

Maxx Lyman

MAXX LYMAN